



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,340	02/27/2002	Simon Mellor	21860-6061	8537
33123	7590	09/08/2006	EXAMINER	
HELLER EHRMAN LLP 4350 LA JOLLA VILLAGE DRIVE #700 7TH FLOOR SAN DIEGO, CA 92122			YUN, EUGENE	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/085,340	Applicant(s) MELLOR ET AL.	
	Examiner Eugene Yun	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-10,15 and 17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4,8-10,15 and 17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8-10, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ketonen (US 6,594,508) in view of Basile (US 6,298,243).

Referring to Claim 1, Ketonen teaches a method of transmitting a communication signal between a radio base station and a radiation element (see col. 2, lines 37-39), the method comprising:

Receiving data signals from a radiation element and producing an input signal (see col. 3, lines 7-9), wherein the data signals include values representing operating parameters of devices at the multiple radiation element (see col. 3, lines 26-37);

Receiving the input signal (see col. 3, lines 7-9);

extracting the data signals from the input signal (see col. 3, lines 50-55); and

producing a status signal for each device based upon the values representing operating parameters that simulates a feedback signal for the device (see col. 6, lines 57-65).

Ketonen does not teach multiple radiation elements and receiving an input signal from the multiple radiation elements over a common feeder cable. Basile teaches multiple radiation elements, receiving data signals from multiple radiation elements and

Art Unit: 2618

producing an input signal adapted to be transmitted over a common feeder cable, wherein the data signals include values representing operating parameters of devices at the multiple radiation elements (see ABSTRACT and col. 4, lines 11-17), and receiving the input signal from the multiple radiation elements over the common feeder cable (see ABSTRACT and col. 3, lines 51-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Basile to said device of Ketonen in order to cut costs by using less and less expensive feeder lines.

Claim 15 has similar limitations as claim 1.

Referring to Claim 2, Ketonen also teaches the input signal comprising a plurality of communication signals (see col. 3, lines 7-9).

Referring to Claim 3, the devices including system cables 206 (fig. 2).

Referring to Claim 4, Ketonen also teaches a mast head amplifier (see col. 5, line 44).

Referring to Claim 8, Ketonen teaches a method of transmitting a communication signal between a radio base station and a radiation element, the method comprising:

Receiving data signals that include control signals representing operating parameter settings for devices at a radiation element (see col. 3, lines 26-37) and producing an input signal to be transmitted over a feeder cable (see col. 3, lines 7-9);
receiving the input signal (see col. 2, lines 7-9);
extracting the data signals from the input signal (see col. 3, lines 50-55); and

Art Unit: 2618

producing an output signal for each device that transfers the control signals representing operating parameter settings to the device (see col. 9, lines 66-67 and col. 10, lines 1-8).

Ketonen does not teach multiple radiation elements. Basile teaches multiple radiation elements, receiving data signals that include control signals representing operating parameter settings for devices at multiple radiation elements and producing an input signal to be transmitted over a common feeder cable (see ABSTRACT and col. 4, lines 11-17), and receiving the input signal over the common feeder cable (see ABSTRACT and col. 3, lines 51-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Basile to said device of Ketonen in order to cut costs by using less and less expensive feeder lines.

Claim 17 has similar limitations to claim 8.

Referring to Claim 9, Ketonen also teaches the input signal comprising a plurality of communication signals (see col. 3, lines 7-9).

Referring to Claim 10, Ketonen also teaches a mast head amplifier (see col. 5, line 44).

Response to Arguments

3. Applicant's arguments filed 6/8/2006 have been fully considered but they are not persuasive.

The applicant argues that the Ketonen and Basile references are not combinable. The examiner disagrees. Firstly, the Basile reference was introduced to show that

Art Unit: 2618

“receiving data signals that include control signals representing operating parameter settings for devices at multiple radiation elements and producing an input signal to be transmitted over a common feeder cable, and receiving the input signal over the common feeder cable” is taught in the art. The applicant has not denied that the above limitation is taught by Basile. In addition, there are no limitations in the claims which state the types of radiation elements are used in the claimed invention. Therefore, the combination of the Ketonen and Basile references benefit due to the ability of the device to use GPS as well as cellular signals, in addition to benefiting from cost cutting due to the use of less feeder cables.

In response to the argument that “the proposed combination may result in harmful radio frequency interference and could create significant spectrum management issues”, the applicant stated that the combination **may** result in the above mentioned problems. Therefore, it is not proven. Whether or not the above statement is true, there is no indication in the arguments that state that any of the limitations in the claims are not believed to be taught by Ketonen and Basile. Therefore, the examiner believes that all the limitations in the claims have been covered and the examiner stands by his rejection.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Eugene Yun
Examiner
Art Unit 2618

EY


Matthew D. Anderson
Supervisory Patent Examiner